

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

XXX./R.A. No. 2/98(O.A. 56/97) <sup>208</sup> of

DATE OF DECISION 20.2.2001

Shri Abhijit Chakraborty & 130 Ors.

PETITIONER(S)

By Advocate Mr. S. Sarma.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

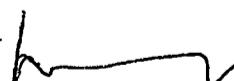
ADVOCATE FOR THE  
RESPONDENTS

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE Mr. K.K.SHARMA, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Review Application 2 of 1998 ( O.A. 208/97)

Date of order : This the 20th day of February, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Abhijit Chakraborty & 130 Ors.

...Review Applicants

By Advocate Mr. S. Sarma.

-versus-

1. Union of India,  
represented by the Secretary to the  
Government of India, Ministry  
of Defence(Finance), South Block,  
New Delhi.
2. The Comptroller General of Defence Accounts,  
West Block-V,  
R.K.Puram, New Delhi.
3. Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Finance, Department of  
Expenditure, New Delhi.
4. Controller of Defence Accounts,  
Udayan Vihal, Narengi, Guwahati-781171  
...Respondents/Opp. Parties.

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

**O R D E R (ORAL)**

**CHOWDHURY J.(V.C.).**

This application has been filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the CAT (Procedure) Rules, 1987 for review of the judgement and order dated 5.12.1997 in O.A. No. 208/97. By the judgement and order dated 5.12.1997 a series of cases were decided by the Tribunal including the present application filed by the Review Applicant i.e. O.A. No. 208/97. The TRibunal in the light of the judgement rendered by the Supreme Court in Civil Appeal No. 1572 of 1997 observed that the persons belonging to the North

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Eastern Region were not entitled to get SDA. The applicants were also working in the various departments under the Central Government were not outsider and they belonged to the North Eastern Region. The Bench in the circumstances held that they were not entitled to get SDA. In this Review application Mr. S. Sarma, learned counsel for the Review Applicant referred to the Presidential order granted SDA that was communicated to the concerned authorities by the Ministry of Defence (Finance) dated 31.5.1991 (Annexure-6 to the OA.) conveying the sanction of President for grant of SDA to the serving officers and staff of Defence Accounts Department attached with CBSF Units and formations located in North Eastern Region and Andaman & Nicobar Islands on the same terms and conditions as laid down in Ministry of Finance (Department of Expenditure) O.M. dated 14.12.1983 read with O.M. dated 1.12.1988 as amended from time to time. The learned counsel submitted that as per the aforementioned notification all persons working in the offices irrespective of their residency are/were entitled for the SDA. Mr. Sarma, learned counsel for the Review Applicant submitted had the aforesaid communication were considered by the Tribunal the decision of the Tribunal would have been different and the Tribunal would not have held that the applicants are not entitled to SDA.

2. It would not be appropriate for the Tribunal to come to a contrary decision on appreciating the documents mentioned. Power of review may be exercised on discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was passed or made, or on account of some mistake or error apparent on the face of the record. But such power

may not be exercised on the ground that the decision was erroneous.

3. In these circumstances we are not inclined to exercise the power under Section 22(3) (f) of the Administrative Tribunals Act read with Section 114 of the Civil Procedure Code and Order XLVII Rule 1 of the said Code.

4. The Review Application is accordingly stands dismissed. There shall, however, no order as to costs. The interim order passed earlier, shall however, continue for six weeks from today to enable the applicants to take any other appropriate relief as per law.

*K.K.Sharma*  
(K.K.SHARMA)  
Member(A)

*D.N.Chowdhury*  
(D.N.CHOWDHURY)  
Vice-Chairman

trd